

United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 10-00206 WHA

Plaintiff,

v.

ANTONIO MAGANA-CASTILLO,

**ORDER REQUIRING RESPONSE  
FROM DEFENDANT**

Defendant.

Defendant Antonio Magana-Castillo submitted a letter to the Court requesting a modification of his sentence in light of a recent change made by the United States Sentencing Commission to the Guidelines Section 2L1.2(b)(1)(A). An order issued requiring the government to provide a response and recommendation to the Court on this issue. The government responded, indicating its opposition to a sentence reduction, namely on the grounds that the amendment to the Guidelines became effective November 1, 2011, and does not have a retroactivity provision. Thus, the government contends, the amendment would not apply to defendant, who was sentenced in 2010.

In his letter to the Court, defendant also requested appointment of counsel to prepare a motion seeking relief based on the above-stated amendment to the Guidelines. An order issued requiring defendant to file a proper motion for appointment of counsel explaining the issues he

1 expects to raise and his need for representation. By **MARCH 9, 2012**, defendant shall file a  
2 response to the government's opposition brief or submit a motion for appointment of counsel.  
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4 **IT IS SO ORDERED.**

Wm A

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6 Dated: February 9, 2012.  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE